

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.
Defendants.

No. 1:23-cv-01454-KES-SAB (PC)

ORDER DIRECTING CLERK OF COURT TO
TERMINATE ACTION PURSUANT TO
PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL

(ECF No. 30)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

On March 31, 2025, the Court discharge the order to show cause and granted Plaintiff thirty days to file an amended complaint.

In response, on April 29, 2025, Plaintiff filed a motion to voluntarily dismiss the action pursuant to Federal Rule of Civil Procedure 41.

“[U]nder Rule 41(a)(1)(i), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about it.” Id. at 1078. No defendant has been served in this action and no defendant has filed an answer or motion for summary judgment.

1 Accordingly, this action is terminated, without prejudice, by operation of law without
2 further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i).

3
4 IT IS SO ORDERED.

5 Dated: April 29, 2025

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE
United States Magistrate Judge